

FIRST REGULAR SESSION

# HOUSE BILL NO. 1205

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BRATTIN.

2326H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 79.050 and 321.120, RSMo, and to enact in lieu thereof two new sections relating to terms of office.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 79.050 and 321.120, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 79.050 and 321.120, to read as follows:

79.050. 1. The following officers shall be elected by the qualified voters of the city, and  
2 shall hold office for the term of two years, except as otherwise provided in this section, and until  
3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of  
4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an  
5 election at which the issue is submitted, for the appointment of a collector and for the  
6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and  
7 any other police officers found by the board of aldermen to be necessary for the good government  
8 of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board  
9 of aldermen does not provide for the appointment of a chief of police and collector as provided  
10 by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall  
11 be elected, and the board of aldermen may provide by ordinance that the same person may be  
12 elected marshal and collector, at the same election, and hold both offices and the board of  
13 aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and  
14 street commissioner, who shall hold their respective offices for a term of two years and until their  
15 successors shall be elected or appointed and qualified, except that the term of the city marshal  
16 shall be four years.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           2. The board of aldermen may provide by ordinance, after the approval of a majority of  
18 the voters voting thereon at the next municipal election at which the issue is submitted, that the  
19 term of the collector shall be four years and the term of the mayor shall be two, three, or four  
20 years. Any person elected as collector after the passage of such an ordinance shall serve for a  
21 term of four years and until his successor is elected and qualified. Any person elected as mayor  
22 after the passage of such ordinance shall serve for a term of two, three, or four years, as provided,  
23 and until his successor is elected and qualified.

24           3. The board of aldermen may provide by ordinance that the term of the board of  
25 aldermen shall be **either three or** four years. Such ordinance shall be submitted by the board  
26 to the voters of the city and shall take effect only upon the approval of a majority of the voters  
27 voting at an election at which the issue is submitted. Any person elected to the board of  
28 aldermen after the passage of such an ordinance shall serve for a term of **three or** four years, **as**  
29 **provided**, and until his successor is elected and qualified.

          321.120. 1. The decree of incorporation shall not become final and conclusive until it  
2 has been submitted to an election of the voters residing within the boundaries described in such  
3 decree, and until it has been assented to by a majority vote of the voters of the district voting on  
4 the question. The decree shall also provide for the holding of the election to vote on the  
5 proposition of incorporating the district, and to select three or five persons to act as the first  
6 board of directors, and shall fix the date for holding the election.

7           2. The question shall be submitted in substantially the following form:

8           Shall there be incorporated a fire protection district?

9           ☐ YES      ☐ NO

10          3. The proposition of electing the first board of directors or the election of subsequent  
11 directors may be submitted on a separate ballot or on the same ballot which contains any other  
12 proposition of the fire protection district. The ballot to be used for the election of a director or  
13 directors shall be substantially in the following form:

14          OFFICIAL BALLOT

15

16          Instruction to voters:

17               Place a cross (X) mark in the square opposite the name of the candidate or candidates you  
18 favor. (Here state the number of directors to be elected and their term of office.)

19          ELECTION

20               (Here insert name of district.) Fire Protection District. (Here insert date of election.)

21

22          FOR BOARD OF DIRECTORS

23               ..... ☐

24 ..... ☐

25 ..... ☐

26 4. If a majority of the voters voting on the proposition or propositions voted in favor of  
 27 the proposition to incorporate the district, then the court shall enter its further order declaring the  
 28 decree of incorporation to be final and conclusive. In the event, however, that the court finds that  
 29 a majority of the voters voting thereon voted against the proposition to incorporate the district,  
 30 then the court shall enter its further order declaring the decree of incorporation to be void and  
 31 of no effect. If the court enters an order declaring the decree of incorporation to be final and  
 32 conclusive, it shall at the same time designate the first board of directors of the district who have  
 33 been elected by the voters voting thereon. **For fire protection districts incorporated on or**  
 34 **after August 28, 2017**, if a board of three members is elected, the person receiving the third  
 35 highest number of votes shall hold office for a term of ~~[two years]~~ **one year**, the person receiving  
 36 the second highest number of votes shall hold office for a term of ~~[four]~~ **two** years, and the  
 37 person receiving the highest number of votes shall hold office for a term of ~~[six]~~ **three** years  
 38 from the date of the election of the first board of directors and until their successors are duly  
 39 elected and qualified. **For fire protection districts incorporated after August 28, 2017**, if a  
 40 board of five members is elected, the person who received the highest number of votes shall hold  
 41 office for a term of ~~[six]~~ **three** years, the persons who received the second and third highest  
 42 numbers of votes shall hold office for terms of ~~[four]~~ **two** years, and the persons who received  
 43 the fourth and fifth highest numbers of votes shall hold office for terms of ~~[two years]~~ **one year**  
 44 and until their successors are duly elected and qualified. Thereafter, members of the board shall  
 45 be elected to serve terms of ~~[six]~~ **three** years and until their successors are duly elected and  
 46 qualified. The court shall at the same time enter an order of record declaring the result of the  
 47 election on the proposition, if any, to incur bonded indebtedness.

48 5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary,  
 49 upon a motion by the board of directors in districts where there are three-member boards, and  
 50 upon approval by the voters in the district, the number of directors may be increased to five,  
 51 except that in any county of the first classification with a population of more than nine hundred  
 52 thousand inhabitants such increase in the number of directors shall apply only in the event of a  
 53 consolidation of existing districts. The ballot to be used for the approval of the voters to increase  
 54 the number of members on the board of directors of the fire protection district shall be  
 55 substantially in the following form:

56 Shall the number of members of the board of directors of the ..... (Insert  
 57 name of district) Fire Protection District be increased to five members?

58 ☐ YES ☐ NO

59

60 If a majority of the voters voting on the proposition vote in favor of the proposition then at the  
61 next election of board members after the voters vote to increase the number of directors, the  
62 voters shall select two persons to act in addition to the existing three directors as the board of  
63 directors. The court which entered the order declaring the decree of incorporation to be final  
64 shall designate the additional board of directors who have been elected by the voters voting  
65 thereon as follows: the one receiving the second highest number of votes to hold office for a  
66 term of ~~[four]~~ **two** years, and the one receiving the highest number of votes to hold office for a  
67 term of ~~[six]~~ **three** years from the date of the election of such additional board of directors and  
68 until their successors are duly elected and qualified. Thereafter, members of the board shall be  
69 elected to serve terms of ~~[six]~~ **three** years and until their successors are duly elected and  
70 qualified.

71 6. Members of the board of directors in office on the date of an election pursuant to  
72 subsection 5 of this section to elect additional members to the board of directors shall serve the  
73 term to which they were elected or appointed and until their successors are elected and qualified.

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